



**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL AND THE
COUNCIL SITTING AS THE REDEVELOPMENT BOARD**

**Council Chamber in City Hall
68-700 Avenida Lalo Guerrero
Cathedral City, CA 92234**

WEDNESDAY, MAY 11TH, 2005

The Regular meeting of the City Council, also sitting as the Redevelopment Agency, was called to order by Mayor DeRosa in the Council Chambers on May 11, 2005 at 3:06 p.m.

ROLL CALL:

Present: Council Members/RDA Board Members England, Marchand, Mayor Pro Tem/RDA Vice Chairman Pettis, Mayor/RDA Chairman DeRosa

Absent: None

The regular meeting began at 6:35 p.m. and was opened by Mayor DeRosa. Rabbi Steve Babkow from the Ohav Shalom Messianic Congregation gave the invocation. Mayor DeRosa asked for a moment of silence in memory of the David McGowan family. The Cathedral City High School Air Force Junior ROTC Color Guard presented the colors and Mayor DeRosa led the audience in the Pledge of Allegiance.

CLOSED SESSION AGENDA:

1. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION pursuant to Government Code Section 54956.9, Subd. (b)
Number of Potential Cases: 2
2. CONFERENCE WITH LABOR NEGOTIATOR pursuant to Government Code Section 54957.6
Agency Negotiator: Donald Bradley, City Manager
Represented Employees: 1) Cathedral City Police Fire Management Association (CCPFMA); 2) American Federation of State, County and Municipal Employees.
3. CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION pursuant to Government Code Section 54956.9, Subd. (k):
Case Name: Glenn Haas, Jeff Miller, Brian Hirzel and Cathedral City Police Officers Association vs. Cathedral City; Cathedral City Police Department; Stan Henry, Chief of Police; John Holcomb, Captain; Gregory J. Savelli, Lieutenant; Sandra Hatfield, Dispatch Supervisor, et al.
Case No.: United States District Court, Central District of California Case No.

EDCV 02-965

4. CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION pursuant to Government Code Section 54956.9, Subd. (k):
Case Name: Scott Sharpe, Mark Fields, Rudy Salinas, Jay Horn, Karl Murashima, Owen Krings, Brian Hirzel, Albert Ruiz, Steve Williams, Paul Reindel, Glenn Haas, Nick Chapman, Gabriel Mendoza, Kelly Nava, Danny Anes, Dane Dickson, Mark Novy, Larry San Filipo, Jeremy Herrick, Ernie Vasquez, Tom Ferguson, Jon Enos, John Fox, Andy Diaz, Albert Ochoa, Dewayne Hodge vs. City of Cathedral City, a municipal corporation; Stan Henry, Chief of Police; Captain John Holcomb, Captain Kevin Conner and Lieutenant Al Reshaw in their individual capacity, and DOES 1 through 10, Inclusive
Case No.: United States District Court, Central District of California Case No. CV 04 02931 (VBKx) Complaint for Damages and Injunctive Relief Demand for Jury Trial
5. CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION pursuant to Government Code Section 54956.9, Subd. (k):
Case Name: C. Robinson, J. Williams. D. Pascual, M. Holcomb vs. Sharon Stephens.
Case No.: Superior Court of the State of California In and For the County of Riverside, Indio Branch, Case No. INC 043437
6. CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION pursuant to Government Code Section 54956.9, Subd. (k):
Case Name: City of Cathedral City vs. Sharon Stephens and Jeanine Stephens
Case No.: Superior Court of the State of California In and For the County of Riverside, Indio Branch, Case No. INC 048805
7. CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION pursuant to Government Code Section 54956.9, Subd. (k):
Case Name: The City of Cathedral City vs. James Lucero, an individual, Elaine Lucero, an individual, Chandler J. Mahoney, an individual, Marie Corporation, a Corporation, Connie Ahumada, an individual; and DOES 1 through 50, inclusive
Case No.: Superior Court of the State of California In and for the County of Riverside, Indio Branch Case No. INC047273
8. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8. (**Charlene Sumpter**)
Property Location: South side of East Palm Canyon Drive, East of Cathedral Canyon Drive, and west of Van Fleet Avenue, north of A Street and parcels just north of B Street and East of Van Fleet, south of the wash, west of Date Palm Drive, and north of East Palm Canyon Drive
Negotiating Parties: Redevelopment Agency and Tri- Millennium Cathedral City LLC
Property Owner: Redevelopment Agency

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Under Negotiation: Proposed Disposition

9. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8 (**Paul Shillcock**)
Property Location: 31950 Crosley Road
APN# 677-420-016 and associated parcels
Negotiating Parties: Redevelopment Agency and Jim Stewart and Wayne Merritt
Property Owner: Dr. C. Bochner
Under Negotiation: Property Acquisition
10. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8. (**Paul Shillcock**)
Property Location: 68625 Perez Road
APN# 687-040-040
Negotiating Parties: Redevelopment Agency and Roberta's Limited Partnership
Property Owners: Roberta's Limited Partnership
Under Negotiation: Owner Participation Agreement
11. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8. (**Paul Shillcock**)
Property Location: Extreme southern end of Perez Road extension
APN# 687-460-019
Negotiating Parties: Redevelopment Agency and Roberta's Limited Partnership
Property Owners: Redevelopment Agency
Under Negotiation: Disposition of Property
12. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8 (**Paul Shillcock**)
Property Location: East of Van Fleet Avenue, South of East Palm Canyon Drive; APN #'s 687-207-005 (Sousa) and 687-223-016 (Sanchez); and 687-223-007 (Ruiz)
Negotiating Parties: Redevelopment Agency and BCN Developments, Inc.
Property Owners: Martin Sousa, et al; Jorge & Maria Sanchez and Jose Ruiz
Under Negotiation: Disposition of Property
13. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8 (**Paul Shillcock**)
Property Location: East of the East Cathedral Canyon Storm Channel in Designated Open Space Area.
APN #686-310-006; 686-232-034; 686-270-004; and 687-241-056
Negotiating Parties: Redevelopment Agency, Desert Cove Golf Resorts, LLC and Barbara Lyons.
Property Owner: Redevelopment Agency
Under Negotiation: Disposition of Property

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CLOSED SESSION ANNOUNCEMENTS

City Attorney Charles Green announced that there were no reportable items out of Closed Session, however, the Council was unable to complete the Closed Session Agenda, and will be returning to this Agenda after the regular meeting. If there are any reportable Closed Session items, they will be reported in open session, after the completion of the Closed Session Agenda.

PUBLIC COMMENTS

Bill Cohen – Cathedral City. Mr. Cohen advised that his wife Pam had been transferred to a different facility and she was in great pain. He continues to seek volunteers for COPS and has T-shirts for sale.

Mike Owens – Special legal counsel who has worked with the city for the past six years. “As some of you might know my wife has accepted a new position with a Fortune 500 company in Pittsburg, Pennsylvania. I will be joining her in the middle of July.” Mr. Owens gave a little background about his dealings with the City, he wanted to thank all of those whom he had worked with both current Council and past Mayors and leaders. Mr. Owens wished the City and its people a great future.

Jim Hearst – Cathedral City. He has lived here since before it was a city. He was here about the Cove Assessment District. Mr. Hearst is very unhappy about this subject, he feels that the city staff is not telling the people the truth. It is a virtual certainty that he will vote no.

Heather Bonestell – Cathedral City. Ms. Bonestell presented a very short video about a swim team and a water polo team playing “in the sand” for lack of a swimming pool. She advised to not have a pool in a desert community was like not having furnaces in Alaska! She is working with Brad Fleener and the Desert Aquatic Center.

Toni Bedoya – Cathedral City. Ms. Bedoya lives behind Sunny Sands Elementary School and she states that they have a problem with traffic, speeding, racing. “Our street is used as a short-cut to the school”. She called the police and there is only so much they can do, we want to get speed bumps, signs, etc. to help deal with this problem. This is really bad. Council Member Marchand offered that we might ask Engineering to address this subject at a future Council Study Session. Mayor DeRosa suggested contacting the Streets and Transportation Commission.

Greg Wetmore – Rancho Mirage. Mr. Wetmore is President/CEO of the Cathedral City Chamber of Commerce. Mr. Wetmore advised of the West Valley Business Expo to be held at the Palm Springs Convention Center on May 19 from 4-7 p.m. There are seven Chambers participating. There will be no regular mixer that evening. The Chamber continues to work on the Perez Road Design Center and business retention. Look for the new business directory.

Bill Beck – Cathedral City. Mr. Beck owns the Red Tomato Restaurant and he is a cove resident. He hopes that everyone on this council can work together, and wants them to really try for benefit of the city.

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AGENDA FINALIZATION

There are no changes to tonight's agenda.

SPECIAL ITEM

1. Certification of the Special Municipal Election held on Tuesday, May 3rd, 2005, and other such matters as provided by law.(Pat Hammers)
(Agenda report for this item will be included under separate cover)

There was a brief report by the City Clerk, where she read the Riverside County Registrars report on Certification into the record.

Public comments were opened and closed without comment.

Council Member Marchand moved adoption of **Resolution No. 2005-37**, motion seconded by Council Member England. Roll Call vote – England aye, Marchand aye, Pettis, DeRosa aye. Motion carried 4-0.

City Clerk Hammers administered the Oath of Office to Council Member Vasquez.

Council Member Vasquez took his seat on the dais and thanked many for their help and support. Mr. Vasquez complimented the City Clerk on the handling of two elections in six months. He considered this election the highest honor of his life. He thinks we have many problems to solve. He complimented the Fire Fighters of this city, and asked that we work together, and he reminded the people that they need to give the council direction.

SCHOOL REPORTS:

Stephanie Price was here to report for Cathedral City High School. She congratulated Chuck Vasquez on his seating on the Council. The students are looking forward to the end of the school year and graduation. She spoke of the 13th annual Golden Lions Awards, where Sergio Rosas was outstanding student of the year and 10% percent of the senior students received awards.

Due to the seating of the new council member a Roll Call was taken.

ROLL CALL:

Present: Council Members/RDA Board Members England, Marchand, Vasquez
Mayor Pro Tem/RDA Vice Chairman Pettis, Mayor/RDA Chairman DeRosa

Absent: None

COUNCIL COMMENTS:

Council Member Marchand welcomed Council Member Vasquez, who he was happy to see, because he is now no longer the "new kid on the block" willingly passing that title to Mr. Vasquez. Mr. Marchand offered remembrance of David and Karen McGowan, their three

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children, and David's mother and extended sympathy to the survivors. Mr. Marchand offered further thoughts to Cathedral City employees and citizens that knew the McGowan's. Mr. Marchand wants to remember those who were murdered in the Nazi Death camps – commemoration of Yom HaShoah, and further asked his colleagues to adjourn in memory of Miguel Contreras of Los Angeles. Council Member Marchand spoke briefly about the focus groups being formed with Parks and Recreation, of the CVAG Safety committee, the CV Mountain Conservancy, that he had attended the Clean Cities Conference, and he was pleased to advise that the CV Mosquito and Vector Control has no observable West Nile Virus cases in our district. There would soon be an assessment district for benefit, that if passed, would only cost about \$16 per household, per year.

Mayor Pro Tem Pettis reminded Mr. Marchand that Mr. Vasquez has lived in the city longer than Mr. Marchand, so he cannot give away the title "new kid on the block" quite so easily! Mayor Pro Tem Pettis advised that there was a lot going on the past two weeks that had to do with transportation, not just with the CVAG Transportation Committee, but the Riverside County Transportation Commission (RCTC) and the SCAG Transportation Committee. Today the RCTC approved the criteria for the study/evaluation of Metro Link to extend out to Indio. Also there were meetings with the Salton Sea Authority, the Colorado Regional Water Quality Control Board (on which he sits). There was additional discussion on that board to work with our city to help us find funds for the Cover Sewer Project. SCAG celebrated their 40th year.

Council Member England advised that the Council had received a quarterly report from the Boys and Girls today, and that we look forward to the completion of the Animal Campus which should be completed by the end of 2005.

Council Member Vasquez had the pleasure of attending the Community Meeting at Rio Vista, where he estimated more than 100 people attended. Mr. Vasquez spoke briefly about Neighborhood Watch groups, that we now have 13 active groups. He encouraged anyone interested in Neighborhood Watch to contact him through city hall.

Mayor DeRosa – Mayor DeRosa is looking forward to a "first" for the City Council who will be attending a 2.5 day off-site Team Building program. The city manager will also attend. She believes we have more in common than we do in difference and that they will find ways to work through the options offered them. A meeting with State Senator Ducheney revealed the possibility of getting some money for the Cover Sewer project from the State Health and Safety Committee. Mayor mentioned the April 28th opening of the stores in the new downtown and she commented on the AVID program at the CC High School. She attended their party. Also on May 17th there will be the CC High School Scholarship Program. At the community meeting at Rio Vista, Mayor DeRosa advised that the public was ecstatic about bringing city staff to the community. Police, fire, Building, Engineering, Planning, Streets were all in attendance and there was good dialog. We have a new sculpture in the Paseo, it was dedicated today, and the city presented a "key to our city" to the donors, Mr. & Mrs. Heiman of Rancho Mirage, who referred to Cathedral City as the gem of the desert. Mayor DeRosa noted that we now have the brochure about City Council meetings in both English and Spanish. Mayor DeRosa reminded everyone that the Children's Discovery Museum of the Desert holds a free family night and that Cathedral City children are a high percentage of participants at the museum. The Police Department continues to receive a high volume of calls, over and above last year.

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Mayor DeRosa called for corrections to the following minutes; from the regularly scheduled City Council/RDA Board meeting held on Wednesday, April 13th, 2005, special meeting of the Cathedral City Downtown Foundation held on Wednesday, April 13th, 2005, special City Council/RDA Board meeting held on Monday, April 18th, 2005 and regularly scheduled City Council/RDA Board meeting held on Wednesday, April 27th, 2005. Hearing no corrections all Minutes stand approved as submitted.

PRESENTATIONS & PROCLAMATIONS

Stan Henry, Chief of Police, introduced Lt. Dan Feltenberger from the California Highway Patrol, CALID program who explained a little about the Golden Bear Award. In order to receive this award police personnel must get "five hits" on fingerprints, all within the same year. They then presented Golden Bear Awards to two city police department employees:

Glenn Warnica – Nine hits on fingerprints, one for a 10 year old cold case, and
Miguel Torres – Sixteen hits this last year, covering burglary, robbery, and car thefts.

Mayor Pro Tem Pettis presented a proclamation to Chief Sowles on behalf of the entire Fire Department declaring the month of May as Disaster Preparedness Month in the City of Cathedral City.

Mayor DeRosa presented a Certificate of Recognition to Robert Rodriguez Geographic Information Systems (GIS) Coordinator. If you're looking for maps, demographic information, data analysis, boundaries, parcel numbers, General Plan and zoning information, he's your man.

Mayor DeRosa presented a Certificate of Recognition to the Cathedral City bases Desert Adventures in recognition of outstanding Community Service for their efforts in cleaning up trash in the mountains.

CONSENT AGENDA:

Council Member Vasquez moved approval of the Consent Agenda, motion seconded by Council Member Marchand, motion carried 5-0 by a roll call vote.

3. Approved demands in the aggregate amount of \$4,432,626 for the month of April, 2005 **by Minute Order # 3887, Minute Order # R-1025.**
4. Received and filed the Cathedral City Boys and Girls Club quarterly report report relative to fiscal year 04-05 Community Service Provider Agreement **by Minute Order # 3888.**
5. Authorized staff to execute a Service Provider Agreement with Psomas Engineering, Inc., to provide Engineering Services for street extension project related to the Desert Hills Development Project **by Minute Order # 3889..**
6. Authorized purchase of vehicles for the Cathedral City Fire Department using budget vehicle replacement funds **by Minute Order # 3890.**
7. Authorized completion of vacant space at southeast corner, first floor of City Hall including purchase and installation of additional roller files, financed from

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proceeds of 2002 Housing Bonds, Acct. 214-3532-8806 **by Minute Order # 3891.**

8. Authorized execution of purchase and sales agreement with Roberta's Limited Partnership ((dba Import Warehouse of the Desert) relative to the purchase of the Agency owned retention basin at the extreme south end of the Perez Road Extension **by Minute Order # 3892 and by Resolution RDA-910A.**

PUBLIC HEARING:

9. Redevelopment Agency resolution, approving the Relocation Plan for the Desert Hills Mobile Home Park Project.

Warren Bradshaw, Housing Manager gave a report. Donald Bradley, City Manager read a very positive letter into the record from a Mr. Chris Ardale. The Council had received an additional letter from California Rural Legal Assistance, Inc.

Mayor DeRosa opened Public Comments. There was a translator who offered to translate in Spanish. Seeing no one wishing to speak, Mayor DeRosa closed Public Comments.

Council Member Marchand Moved adoption of the Resolution, motion seconded by Council Member England, motion, by roll call vote, carried 5-0 **by Resolution No. R-411.**

10. Authorization to enter into an Owner Participation Agreement (OPA) with Roberta's Limited Partnership (dba Import Warehouse of the Desert) relative to the development of a new car sales and service facility and the expansion of the existing facility in the Cathedral City Auto Center.

Paul Shillcock, Economic Development Director gave a report advising that the Auto Dealership tax revenue is strong in good time, and even when National sales gave gone down. Import Warehouse will be using the northwest side of Perez adjacent to the Saturn dealership to build a new Accura Dealership. They have purchased other property in and around the area for parking of cars. The Toyota dealership will be expanding. There is a incremental sales tax revenue split of 50/50 until either 3 million or 12 years have passed.

Public Comments opened and closed without comment.

Council Member Marchand move approval, motion seconded by Council Member England, motion, by roll call vote, carried 5-0 **by Minute Order # R-1026.**

Mayor DeRosa adjourned the meeting to return to Closed Session at 8:15 p.m.

Mayor DeRosa reconvened the regular meeting at 9:13 p.m.

City Attorney Charles Green made the following Closed Session announcements.

Closed Session Item 8 -The Council, on a motion by Mayor Pro Tem Pettis, seconded by Council Member Marchand, on a 5-0 vote, extended the existing Memorandum of

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Understanding on Phases I and II with Tri-Millennium to November 30, 2005, to be memorialized in an amendment to the MOU in a form approved by the City Attorney **by Minute Order # 3893..**

Closed Session Item 12 – (a) The Council, on a motion by Mayor Pro Tem Pettis, seconded by Council Member Marchand, on a 5-0 vote, to authorize the expenditure of a sum, not to exceed \$150,000, for the relocation of utilities related to the Sheraton Hotel project **by Minute Order # 3894.**

Closed Session Item 12 – (b) The RDA Board, on a motion by Mayor Pro Tem Pettis, seconded by Council Member Marchand, on a 5-0 vote, to authorize the expenditure of a sum, in the amount not to exceed \$7,000, for payment of expenses related to the preparation of an ALTA survey and title policy **by Minute Order # R-1027..**

ADJOURNMENT

Hearing no further business to come before the City Council, Mayor DeRosa adjourned the meeting, in memory of all those mentioned earlier in the evening, at 9:19 p.m.

Pat Hammers, CMC
City Clerk